

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ORCHARD GRASS UTILITIES, INC.	)	
D/B/A WILLOW CREEK SEWER SYSTEM	)	
	)	
	)	CASE NO.
	)	91-011
ALLEGED VIOLATION OF COMMISSION	)	
REGULATION 807 KAR 5:071	)	

O R D E R

Orchard Grass Utilities, Inc. ("Orchard Grass"), a corporation which owns and operates the Willow Creek Sewer System, a subdivision treatment facility plant providing sewer service to the residents of Bullitt County, Kentucky, for compensation, and is therefore a utility under Commission jurisdiction. KRS 278.010(3)(f).

KRS 278.280 authorizes the Commission to prescribe rules for performance of any service furnished or supplied by a utility. Pursuant to this authority, the Commission has promulgated Commission Regulation 807 KAR 5:071, Section 7, which requires sewage treatment facilities to be constructed, installed, maintained, and operated in accordance with accepted good engineering practice.

On September 17, 1990, Commission Staff inspected the Willow Creek Sewer System for compliance with Commission regulations. In its report of this inspection, dated October 1, 1990, Commission Staff listed 12 instances where the plant's maintenance and

operation were not in accordance with accepted good engineering practices. A copy of this report was furnished to the plan's owner for its review and comment. On November 30, 1990, the plant's owner advised the Commission that the deficiencies had been corrected.

On December 14, 1990, Commission Staff conducted another inspection of the Willow Creek Sewer System. Its report of this inspection, dated December 17, 1990, indicates that four of the previous deficiencies have yet to be corrected and that the plant is not in compliance with Commission Regulation 807 KAR 5:071, Section 7(1).

Having reviewed the reports of these inspections and being otherwise sufficiently advised, the Commission finds that a prima facie showing has been made that Orchard Grass is in violation of Commission Regulation 807 KAR 5:071, Section 7(1).

The Commission, on its own motion, HEREBY ORDERS that:

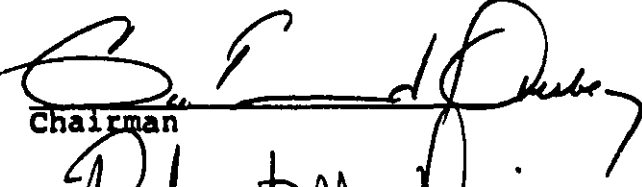
1. Orchard Grass shall appear before the Commission on February 14, 1991 at 9:00 a.m., Eastern Standard Time, in Hearing Room 2 of the Commission's offices at 677 Comanche Trail, Frankfort, Kentucky, for the purpose of presenting evidence concerning the maintenance and operation of the Willow Creek Sewer System, specifically, the alleged violations of Commission Regulation 807 KAR 5:071, Section 7(1), and of showing cause why it should not be subject to the penalties prescribed in KRS 278.990 for its alleged failure to comply with Commission regulations.

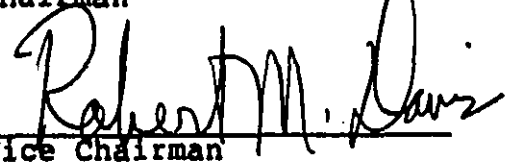
2. The Inspection Reports of October 1, 1990 and December 17, 1990, copies of which are attached to this Order as Exhibit A and B respectively, are made a part of record of this proceeding.


3. Orchard Grass shall submit to the Commission a written response to the allegations contained in the Inspection Reports no later than 14 days from the date of this Order.

Done at Frankfort, Kentucky, this 14th day of January, 1991.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director

- EXHIBIT A -

Commonwealth of Kentucky  
Public Service Commission

UTILITY INSPECTION REPORT

Willow Utilities, Inc.  
d/b/a Willow Creek Sewer System  
Oldham County, Kentucky

Utility operations, utility maintenance, utility management and their impact on utility services and operating costs are a primary concern of the Commission and this Division. Our ongoing inspection program is to determine if the utility is in compliance with Kentucky Revised Statutes (KRS Chapter 278), Public Service Commission (PSC) Regulations (807 KAR) and that adequate, efficient and reasonable service is being provided.

Daily maintenance, daily operations and good operating records are essential in the operation of an efficient utility. Our inspections are intended to determine if the utility is in compliance with PSC regulations in these areas.

On September 17, 1990, Willow Utilities, Inc. sewage treatment system was inspected for compliance with KRS Chapter 278 and PSC regulations (807 KAR). This utility consists of a wastewater treatment plant, a collection system and a lagoon. This system is located in Oldham County and has approximately 302 customers. Providing information and assistance during the inspection was Rick Mills, plant operator.

The improvements or corrections necessary to bring this facility into compliance with KRS Chapter 278 and PSC regulations (807 KAR) are as follows:


1. The diffusers need to be inspected and repaired or replaced as necessary. (807 KAR 5:071, Section 7, 1)
2. The lagoon needs to be treated for duckweed. (807 KAR 5:071, Section 7, 1)
3. The lagoon impoundment bank needs to be inspected for muskrat damage and repaired if necessary. (807 KAR 5:071, Section 7, 1)
4. The grass and weeds around the surface edge of the lagoon need to be cut. (807 KAR 5:071, Section 7, 1)
5. The surface aerator for the lagoon needs to be put in service. (807 KAR 5:071, Section 7, 1)
6. The chlorine contact basin needs to be cleaned of sludge. (807 KAR 5:071, Section 7, 1)
7. The chlorine cylinders need to be secured to the cabinet walls. (807 KAR 5:071, Section 7, 4)
8. One blower/motor unit is not operational. This item needs to be repaired or replaced and put in operation. (807 KAR 5:071, Section 7, 1)
9. One effluent pump needs to be repaired and put in operation. (807 KAR 5:071, Section 7, 1)
10. The lagoon is high in sludge deposits. The lagoon needs to be closely monitored for overloading conditions. Before overloading occurs the lagoon should be dredged. (807 KAR 5:071, Section 7, 1)
11. The Stilling Well in the center of the clarifier needs to have surface scum removed. (807 KAR 5:071, Section 7, 1)
12. The plant is currently being operated without a comminutor. As long as the plant can be operated satisfactorily and produce an acceptable effluent the Commission may not require the use of a comminutor. However, the utility must monitor plant operations and immediately install a functioning comminutor should conditions warrant. (807 KAR 5:071, Section 7, 1)

Items 5-9 listed above are repeat violations. These violations were noted in the inspection report of September 6, 1988 and September 25, 1989. The Commission staff feels that an appropriate amount of time has been allowed to correct this deficiency. We are concerned about the utility's failure to make all corrections necessary to bring the facility into compliance with KRS 278 and PSC regulations (807 Chapter KAR). The failure to correct any violations may be considered cause for enforcement proceedings to be initiated. If such action becomes necessary, penalties may be imposed against the utility pursuant to KRS 278.990.

#### Recommendations

The repair or correction of the deficiencies listed above is necessary in order to restore this facility to an acceptable operating condition. The pertinent section of the Kentucky Administrative Regulations has been listed by each deficiency for your convenience. A written response should be prepared and forwarded to the Commission by November 1, 1990, outlining a correction schedule stating what has been completed or what will be done to correct each deficiency and the related cost of each correction. A starting date and a completion date should be given for corrections that are to be completed after the date this response is mailed.

Submitted,  
October 1, 1990

  
Larry N. Updike  
Utility Investigator

513

Commonwealth of Kentucky  
Public Service Commission

UTILITY REINSPECTION REPORT

Orchard Grass Utilities, Inc. d/b/a  
Willow Creek Sewer System  
Oldham County, Kentucky

On December 14, 1990, a reinspection of Orchard Grass Utilities, Inc. d/b/a Willow Creek Sewer System was conducted. The purpose of the reinspection was to see what progress, if any, had been made to date on the improvements or corrections needed to bring this facility into compliance with Public Service Commission regulation 807 KAR 5:071, Section 7(1) and KRS 278. During the reinspection it was found that the improvements or corrections necessary to bring this facility into compliance as stated in the October 1, 1990 inspection report and the current status are as follows:

1. The diffusers need to be inspected and repaired or replaced as necessary.

**Current Status:** Corrections completed.

2. The lagoon needs to be treated for duckweed.

**Current Status:** Lagoon has been treated.

3. The lagoon impoundment bank needs to be inspected for muskrat damage and repaired if necessary.

**Current Status:** Lagoon impoundment bank has been inspected and shows no muskrat activity at this time.

4. The grass and weeds around the surface edge of the lagoon need to be cut.

**Current Status:** Grass and weeds around lagoon have been cut.

5. The surface aerator for the lagoon needs to be put in service.

**Current Status:** Surface aerator is in service.

6. The chlorine contact basin needs to be cleaned of sludge.

**Current Status:** The chlorine contact basin still needs to be cleaned of all sludge deposits.

7. The chlorine cylinders need to be secured to the cabinet wall.

**Current Status:** The cylinders have not been secured to cabinet walls.

8. One blower/motor unit is not operational. This item needs to be repaired or replaced and put in operation.

**Current Status:** One blower/motor unit is not in operation. It is in the shop being repaired.

9. One effluent pump needs to be repaired and put in operation.

**Current Status:** The effluent pump is still not in operation.

10. The lagoon is high in sludge deposits. The lagoon needs to be closely monitored for overloading conditions. Before overloading occurs the lagoon should be dredged.

**Current Status:** Lagoon is being monitored.

11. The Stilling Well in the center of the clarifier needs to have surface scum removed.

**Current Status:** Surface scum has been removed.

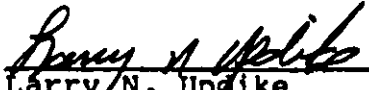


12. The plant is currently being operated without a comminutor. As long as the plant can be operated satisfactorily and produce an acceptable effluent the Commission may not require the use of a comminutor. However, the utility must monitor plant operations and immediately install a functioning comminutor should conditions warrant.

**Current Status:** No change.

The existing conditions for Items 6, 7, 8 and 9 still violate the Public Service Commission's regulation 807 KAR 5:071, Section 7(1).

Submitted,  
December 17, 1990

  
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Larry N. Updike  
Utility Investigator

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